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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,257	07/10/2003	Zarng-Arh George Wu	07783.0063.NPUS00 3222	
7:	590 10/06/2005		EXAM	INER
Albert P. Halluin			KOPEC, MARK T	
Howrey Simon	Arnold & White, LLP			
301 Ravenswood Avenue			ART UNIT	PAPER NUMBER
Box 34			1751	
Menlo Park, CA 94025			DATE MAILED: 10/06/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Endersions of time may be available under be provided of this communication of 30°CR 1.13(a). In oe event, however, may a reply be timely field after 51X (5) MONTHS from the nailing date of this communication of 30°CR 1.13(a). In oe event, however, may a reply be timely field after 51X (5) MONTHS from the mailing date of this communication. Failure for received by the Office later than three months after the mailing date of this communication, even if timely field, may reduce any seemed places the mailing date of this communication, even if timely field, may reduce any seemed places the mailing date of this communication, even if timely field, may reduce any seemed places the mailing date of this communication, even if timely field, may reduce any seemed places the mailing date of this communication, even if timely field, may reduce any seemed places the mailing date of this communication, even if timely field, may reduce any seemed places the mailing date of this communication, even if timely field, may reduce any seemed places the mailing date of this communication, even if timely field, may reduce any seemed places the mailing date of this communication. 1) Responsive to communication(s) filled on			11/					
## Examiner Mark Kopec Art Unit 1751 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Estimation of time may be available under the provisions of 37 CFR 1.138(a). In so event, however, may a rapy be primely fixed in the prime of the communication. - It No period to reply is specified ability or the mailing date of this communication. - Falam to reply which me stor extended prime for reply with by status primed the prime of the communication, even if filmely filed, may redoce any extended patient term adjustment. Ses 37 CFR 1.704(b). **This action is FINAL.** 3) □ Responsive to communication(s) filed on □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/e, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 4) □ Claim(s) 1-67.69 and 70 is/are pending in the application. 4) □ Claim(s) 1-67.69 and 70 is/are pending in the application. 4) □ Claim(s) 1-67.69 and 70 is/are pending in the application. 5) □ Claim(s) 1-67.69, 70 are subject to restriction and/or election requirement. **Application Papers** 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on □ is/are: all) □ accepted or b) □ objected to by the Examiner. Application Papers* 9) □ The drawing(s) filed on □ is/are: all □ accepted or b) □ objected to by the Examiner. 10) □ The drawing(s) filed on □ is/are: all □ accepted or b) □ objected to by the Examiner. 20 □ Carlified copies of the priority documents have been received. 21 □ Certified copies of the priority documents have been received in Application No		Application No.	Applicant(s)					
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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 21-40, and 69-70 drawn to a method/electrode protecting layer, classified in class 252, subclass 500.
- II. Claims 31-56 drawn to a method/electrode protecting layer, classified in class 204, subclass 450+.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and Group II are unrelated.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different effects and different modes of operation. Specifically, the addition of conductive particles vs. charge transport materials utilize different (and distinct) modes of electron/hole/ionic movement.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and their different classification, and because the searches required for these

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distinct groups are not coextensive, restriction for examination purposes as indicated is proper.

This application also contains claims directed to the following patentably distinct species of the claimed invention:

- polymeric conductive particles,
- II) carbonaceous conductive particles (including graphite and carbon black),
- III) metal or metal alloy conductive particles,
- IV) metal oxide conductive particles.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 21, 22, 27-70 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the

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limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP \$ 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Stacy Hegle on 9/22/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Kopec whose telephone number is (571) 272-1319. The examiner can normally be reached on Monday - Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Kopec
Primary Examiner
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